

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 09/07/2023

JULIAN JAMES,

Plaintiff,

22-CV-09560 (JGLC)(SN)

-against-

ORDER OF SERVICE

POLICE OFFICER KEVIN LEONARD and
STEVEN RAMUNNO,

Defendants.

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SARAH NETBURN, United States Magistrate Judge:

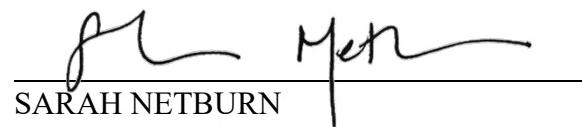
Plaintiff, who is currently incarcerated at the Clinton Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983. By order dated November 14, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees. Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Defendant Police Officer Kevin Leonard (Shield No. 6998) through the U.S. Marshals Service, the Clerk of Court is instructed to fill out U.S. Marshals Service Process Receipt and Return form (USM-285) for Defendant Kevin Leonard. The Clerk of Court is further instructed to issue amended summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant

Kevin Leonard at 1 Police Plaza, Room 110A, New York, New York 10038. Defendant Kevin Leonard agreed to permit the New York City Police Department to accept service on his behalf.

Given the delay in the litigation, the Court requests that the Marshals Service effectuate prompt personal service, if possible. If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service). Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: February 26, 2024
New York, New York

DEFENDANT AND SERVICE ADDRESS

(1) Police Officer Kevin Leonard, Shield No. 6998, 1 Police Plaza, Room 110A, New York,
New York 10038.